

REMARKS

RESPONSE TO REQUIREMENT FOR RESTRICTIONS

The Examiner has required Applicant to elect between claims 1-9 and claims 10-21. In response, Applicant provisionally elects claims 1-9. Accordingly, Applicant requests claims 10-21 be withdrawn.

It should be noted that Applicant respectfully disagrees with the Examiner's restriction requirement and reserves its right to traverse the restriction requirement in the future. Applicant's compliance with the Examiner's requirements of the Office Action dated August 19, 2005 is not intended to, and should not be considered to be, an admission or representation of any nature with respect to the present application, its claims or drawings.

DRAWINGS

The Examiner has stated that drawings showing the "Shop", "Product", "Account", "Problem", "Problem Removal", "Hand Over", "Protection", "Pay Off" cards must be included.

In response, Applicant submits herewith an amendment requesting entry of New Drawing Sheets 1-5 showing Figures 1-20. These drawings illustrate one or more embodiment or example of cards that may be included in the claimed invention of one or more claims of the present application. Specifically:

Figure 1 shows an embodiment of a SHOP card,

Figure 2 shows an embodiment of a PRODUCT card,

Figure 3 shows an embodiment of an ACCOUNT card,

Figure 4 shows an embodiment of a JACK MOVE card,

Figure 5 shows an embodiment of a PROBLEM card,

Figure 6 shows another embodiment of a PROBLEM card,

Figure 7 shows an embodiment of a PROBLEM REMOVAL card,

Figure 8 shows another embodiment of a PROBLEM REMOVAL card,

Figure 9 shows an embodiment of a HAND OVER card,

Figure 10 shows an embodiment of a PROTECTION card,

Figure 11 shows an embodiment of a PAY OFF card,

Figure 12 shows an embodiment of a REVERSE DIRECTION card,

Figure 13 shows an embodiment of a NO JOKER COUNTY TIME card,

Figure 14 shows an embodiment of a GAMBLER card,

Figure 15 shows an embodiment of a ONE TIME PAY OFF card,

Figure 16 shows an embodiment of a BANK JOB card,

Figure 17 shows an embodiment of a HACKER card,

Figure 18 shows an embodiment of a JAIL card,

Figure 19 shows an embodiment of a PROSTITUTE or HOE card, and

Figure 20 shows an embodiment of a PIMP card.

Figures 1-20 do not add any new matter to the present application and should not be considered in any way, or to any degree, as limiting upon any of the claims of the pending application.

TRAVERSAL OF CLAIM REJECTIONS

Claims 1-3 and 5-9 were rejected under 35 USC 102(b) as being anticipated by Caines. Applicant respectfully traverses these rejections.

There are many reasons why claims 1-3 and 5-9 are not anticipated by Caines and there are many differences between each of the rejected claims and Caines.

Focusing on rejected original claim 1, the independent claim from which rejected claims 2, 3 and 5 depend, for example, claim 1 requires “a third plurality of cards, each of said third plurality of cards representing one or more simulated depository for simulating the safekeeping of value obtained from the simulated sale of product” (underline emphasis added). An example embodiment of the claimed simulated depository card is a bank account, such as the embodiment described at Page 8, paragraph 00023 that “[i]n the exemplary embodiment, the ACCOUNT cards are OFFSHORE BANK ACCOUNT cards . . . each of which represents an offshore bank account for holding money earned from the sale of drugs”.

The Examiner refers to the cards shown in Figures 6A and 6B of Caines to satisfy this claim requirement, but this is in error. The cards of Figures 6A and B represent actual currency. As stated in the specification of Caines at Page 1, line 37, “Figures 6A and 6B show scripts representing **money** of various denominations” (bold emphasis added). **Money** is not a depository for the safekeeping of value. Caines thus does not satisfy this claim requirement. On this basis alone, Caines cannot anticipate any of claims 1-5, which claims should be allowed without further delay. [It should be noted the Examiner may have become confused by the *money* shown in Figures 6A- B because it includes the printed words BANK OF PROSPERITY. While this apparent bank name

appears on the **money** of Caines, such wording does not transform the **money** into a bank or other depository.]

For another independent reason why Caines does not anticipate any of claims 1-5, claim 1 requires “a fifth plurality of cards, each of said fifth plurality of cards representing the removal of at least one simulated problem represented by at least one among said fourth plurality of cards.” In other words, a fifth plurality card of pending claim 1 represents removal of the problem represented by a fourth plurality card.

There is simply nothing like this in Caines. The Examiner refers to cards of Figure 5C as satisfying this claim requirement of fifth plurality cards, the cards having the directions:

You may improve a property already on the market by attaching a further improvement card.

(bold emphasis added). The Examiner states that this card “removes the problem represented by the fourth plurality of cards.” But this is not so. The “fourth plurality” cards referenced by the Examiner are the cards of Figure 4G. As to these “fourth plurality” cards, the Examiner cites page 7, lines 43-47 of Caines, which state:

Also indicated in Fig. 4G are three Improvement cards each identified as a removal card that can be played against an opponent when the player holding the card lands on an IMPROVEMENT space to have the effect that the opponent must remove from his Estate Agency's window a property of the choice of the holder of the removal card. These three cards are individually identified as dry rot, haunted house, and death watch beetle.

(bold and underline emphasis added). So, the “fourth plurality” cards referenced by the Examiner are used to remove a property from another player’s Estate Agency window. The “fifth plurality” cards identified by the Examiner neither recovers a property

removed by the Examiner's identified "fourth plurality" card or removes any problem caused by such a "fourth plurality" card. As cited from Caines above, the Examiner's referenced "fifth plurality" card deals with "a property **already on the market**", not a property that has been **removed** by use of a referenced "fourth plurality" card. On this basis alone, Caines cannot anticipate any of claims 1-5, which claims should be allowed without further delay.

As to claims 6-9, it should be noted the Examiner does not identify any of the specific limitations of any of the claims, particularly independent claim 6, in the Office Action. For the purposes of avoiding further delay in the processing of this application, Applicant assumes the Examiner's comments Page 4 of the Office Action are applicable to claim 6-9. In response, focusing on rejected original claim 6, the independent claim from which rejected claims 7-9 depend, for example, claim 6 requires "a plurality of ACCOUNT cards, each of said ACCOUNT cards representing one or more simulated **depository** for simulating the safekeeping of value obtained from the simulated sale of product" (bold emphasis added). An example embodiment of the claimed simulated depository card is a bank account, such as the embodiment described at Page 8, paragraph 00023 that "[i]n the exemplary embodiment, the ACCOUNT cards are OFFSHORE BANK ACCOUNT cards . . . each of which represents an offshore bank account for holding money earned from the sale of drugs".

The Examiner apparently refers to the cards shown in Figures 6A and 6B of Caines to satisfy this claim requirement, but this is in error. The cards of Figures 6A and B represent actual currency. As stated in the specification of Caines at Page 1, line 37, "Figures 6A and 6B show scripts representing **money** of various denominations" (bold

emphasis added). **Money** is not a depository for the safekeeping of value. Caines thus does not satisfy this claim requirement. On this basis alone, Caines cannot anticipate any of claims 6-9, which claims should be allowed without further delay. [It should be noted the Examiner may have become confused by the *money* shown in Figures 6A- B because it includes the printed words BANK OF PROSPERITY. While this apparent bank name appears on the **money** of Caines, such wording does not transform the **money** into a bank or depository.]

For another independent reason why Caines does not anticipate any of claims 6-9, for example, claim 6 requires “a plurality of PROBLEM REMOVAL cards, each of said PROBLEM REMOVAL cards representing the removal of at least one simulated problem represented by at least one among said PROBLEM cards.” In other words, a PROBLEM REMOVAL card represents removal of the problem represented by a PROBLEM card.

There is simply nothing like this in Caines. The Examiner apparently refers to cards of Figure 5C as satisfying this claim requirement, the cards having the directions:

You may improve a property already on the market by attaching a further improvement card.

(bold emphasis added). The Examiner states that this “fifth plurality” card “removes the problem represented by the fourth plurality of cards.” But this is not so. The “fourth plurality” cards referenced by the Examiner as the “REMVOAL CARDS” are the cards of Figure 4G. As to these “fourth plurality” cards, the Examiner cites page 7, lines 43-47 of Caines, which state:

Also indicated in Fig. 4G are three Improvement cards each identified as a removal card that can be played against an opponent when the player holding the card lands on an IMPROVEMENT space to have

the effect that the opponent must remove from his Estate Agency's window a property of the choice of the holder of the removal card. These three cards are individually identified as dry rot, haunted house, and death watch beetle.

(bold and underline emphasis added). So, the “fourth plurality” cards referenced by the Examiner as “REMOVAL CARDS” are used to remove a property from another player’s Estate Agency window. The “fifth plurality” cards identified by the Examiner neither recovers a property removed by the Examiner’s identified “fourth plurality” card or removes any problem caused by such a “fourth plurality” card. As cited from Caines above, the Examiner’s referenced “fifth plurality” card deals with “**a property already on the market**”, not a property that has been **removed** by use of a referenced “fourth plurality” card. On this basis alone, Caines cannot anticipate any of claims 6-9, which claims should be allowed without further delay.

PRINTED MATTER

The Examiner states that the printed matter “recited in claims 2 and 6 do not patentably distinguish cards in the present invention from Caines’ cards proposed by the Examiner.” Applicant submits that because claim 1 is patentable over Caines as stated above, dependent claim 2 is likewise patentable, and claim 6 is patentable over Caines as provided above. Accordingly, all pending claims should be allowed without further delay.

AMENDMENTS TO CLAIMS

Applicant requests entry of the various amendments made to certain claims in the Amendments file herewith. All such claim amendments are voluntary amendments by the Applicant. The amendments were not required by the Examiner and were not made in response to a rejection by the Examiner, to distinguish the invention from any prior art or for any reason related to the statutory requirements for a patent (e.g. novelty, non-obviousness, patentable subject matter, utility or any requirements of 35 U.S.C. Section 112). Applicant submits that the pre-amendment claims met all the statutory requirements for a patent. Supporting this fact are the arguments/example reasons for patentability provided above based upon original claim language. Further, all of the amendments are supported by the specification and thus present no new matter.

NEW CLAIMS

Applicant requests entry of new claims 22-31 which have been provided in the Amendments herewith. Applicant submits that the new claims are supported by the specification, present no new matter and are in condition for allowance.

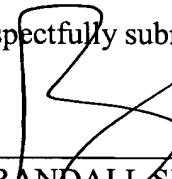
CONCLUSION

In light of the foregoing remarks, Applicants submit that pending claims 1-9 and 22-31 are now allowable, and an early notice to that effect is earnestly solicited. Should a telephone interview help speed up resolution of this application, or if the Examiner has any questions or comments regarding this communication, a call would be greatly appreciated.

In the Remarks above, Applicant has at various times referred to particular aspects of patents cited by the Examiner or certain aspects or language of the pending claims, or to one or more distinctions between such patents and claims. It is not intended by mentioning any such aspects and distinctions to create any implied limitations in the referenced claims or any other pending claims. Such remarks are intended strictly to educate the Examiner and are not intended to create estoppel. Furthermore, the Remarks above are not to be considered to be exhaustive of the facets of the referenced pending claims that render such claims patentable, but only examples of features which Applicants' Attorney chooses to mention at this time. In construing a claim of this patent, evaluating a prior art reference or making any comparison of a pending claim to a prior art reference, the claim should be construed in its entirety and compared to the reference as a whole.

It should also be noted that the above examples of particular specification cites and portions supporting claim language are examples only and should not limit the claims in any way. Further, with respect to all pending claims, it should be noted that it is Applicants' intent not to invoke 35 U.S.C. § 112, ¶ 6 for any of the elements of any of the claims.

Respectfully submitted,



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